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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/783,464	02/20/2004	Raymond Losi JR.	S20043-115	7439
37374	7590	07/01/2005	EXAMINER	
INSKEEP INTELLECTUAL PROPERTY GROUP, INC			YIP, WINNIE S	
1225 W. 190TH STREET				
SUITE 205			ART UNIT	PAPER NUMBER
GARDENA, CA 90248			3637	
DATE MAILED: 07/01/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/783,464	LOSI, RAYMOND
	Examiner Winnie Yip	Art Unit 3637

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 30 June 2004.
- 2a) This action is FINAL.                  2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-15 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) \_\_\_\_\_ is/are rejected.
- 7) Claim(s) 1-15 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    - a) All    b) Some \* c) None of:
      1. Certified copies of the priority documents have been received.
      2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
      3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>September 30, 2004</u> | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

This is a first office action for application Serial 10/178,464 filed February 20, 2004.

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Losi, Jr. et al. (US Patent No. 6,035,877).

Losi, Jr. et al. show and disclose a shelter including applicant's claim limitations including: a shelter frame comprising a plurality of upwardly extending poles/legs (1), a linkage assembly including pairs of truss members/linking arms (2) interconnected to each other by cross joints, a fixed connector (5) having fixed connector brackets (51, 52) providing attachment points/mounting locations to pivotally secure the first truss members/linking arms of the linkage assembly to each pole, and a sliding connector (6) having fixed connector brackets (61, 62) to pivotally secure the second truss member/linking arm of the linkage assembly to the pole respectively, a connector locking assembly including a spring locking

button (12) sized and shaped to lock the sliding connector movable relative to the fixed connector respectively, a canopy support frame including a plurality of support rods (3) each having at least first and second rod members/interconnected canopy support member (3, 3) being pivotally jointed together by a joint (G), the first rod member being pivotally secured to the pole and the second rod member being pivotally secured to a head connector (7). Losi, Jr. et al. does not disclose a rolling element bearing being disposed in at least one of the joints between the pair of linking arms/truss members, and between at least one joint (G) between the interconnected canopy support members (3, 3), and between in at least one of the attachment points/ mounting locations/or connectors as claimed. Nygren et al. teach a frame assembly comprising a plurality of linking arms (72, 74) being pivotally connected together by a joint (76), and the linking arms also being pivotally connected to respective connectors (129), at least one rolling element bearing (326 being disposed the linking member and the connector for providing a rotation with reducing frictional engagement between two pivoting members together. It would have been obvious to one ordinary skill in the art, at the time the invention was made, to modify the shelter frame of Losi Jr. et al. having suitable bearing mechanism with obviously selected load bearing elements such as roller or thrust bearings, disposed in joints between two pivotally connected

members, such as in the joint between two linking arms, and in the joint between the linking arm and the fixed connector on the upper legs, or in the joint between two interconnected canopy support members as claimed as taught by Nygren et al. for providing a joint with reducing frictional movement between two pivotally connected members.

*Citations*

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Noniewicz et al '319 and Lang '392 teach a bearing element disposed in between two elements to provide a pivot joint therebetween. Carter '902, Carter '224, Carter '293, Lynch '020, and Morgante (EP 1186,733) teach various shelters having a frame comprising limitation as claim invention.

*Inquiry Contacts*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Winnie Yip whose telephone number is 571-272-6870. The examiner can normally be reached on M-F (9:30-5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 571-272-6867. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Winnie Yip  
Primary Examiner  
Art Unit 3637

wsy  
June 24, 2005